

# Foundations of Strong Parent Advocacy

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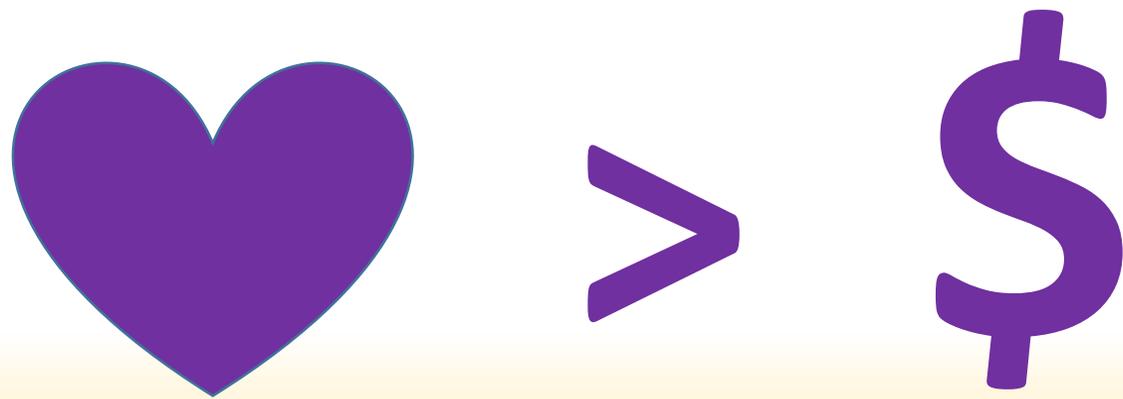
This is not your reality.



This is.



But that's not the end of the story.



# THE FOUNDATIONS

- **Knowing your client**
  - **Knowing the law**
  - **Knowing AND USING your trial skills**
- 
- **Relationship with the bar**
  - **Relationship with the Court**

# SHORT GAME vs. LONG GAME

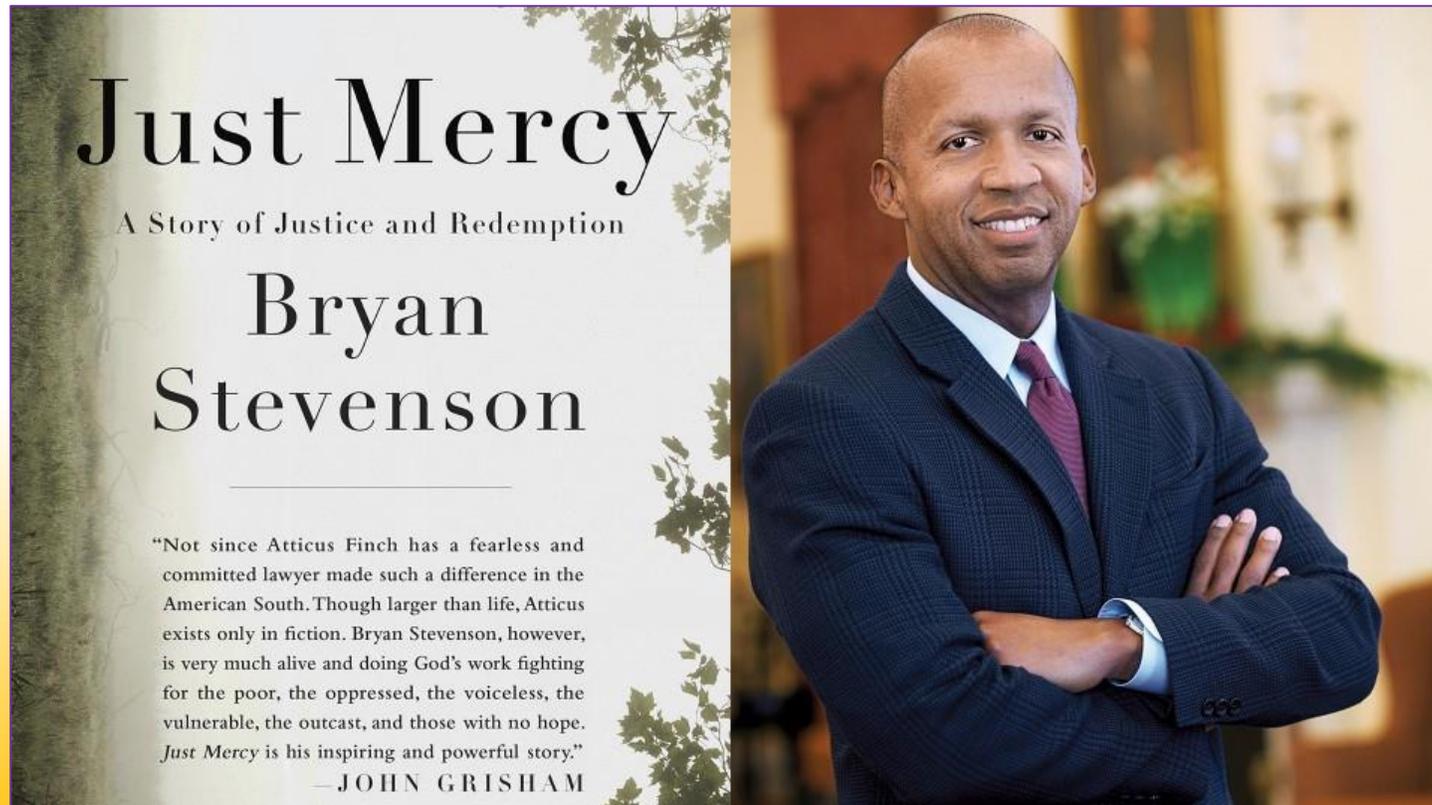


# SHORT GAME

- Zealous advocacy for this client
- Winning this hearing
- Achieving reunification ASAP
- Achieving alternative permanency

I have come to understand and believe that each of us is more than the worst thing we've ever done. I believe that for every person on the planet. I think that if somebody tells a lie, they're not just a liar. I think that if somebody takes something that doesn't belong to them, they're not just a thief. I think that if you kill someone, you're not just a killer. And because of that, there's this basic human dignity that must be respected by the law.

- Bryan Stevenson



# FLIPPING THE SCRIPT

- This is your client's family
- Your client is the expert on his/her children
- A defense attorney is not confined to playing defense
- Do not internalize any shame or guilt
- Your job is to hold the child welfare agency to its burden
- The child welfare agency must justify State interference into the family unit

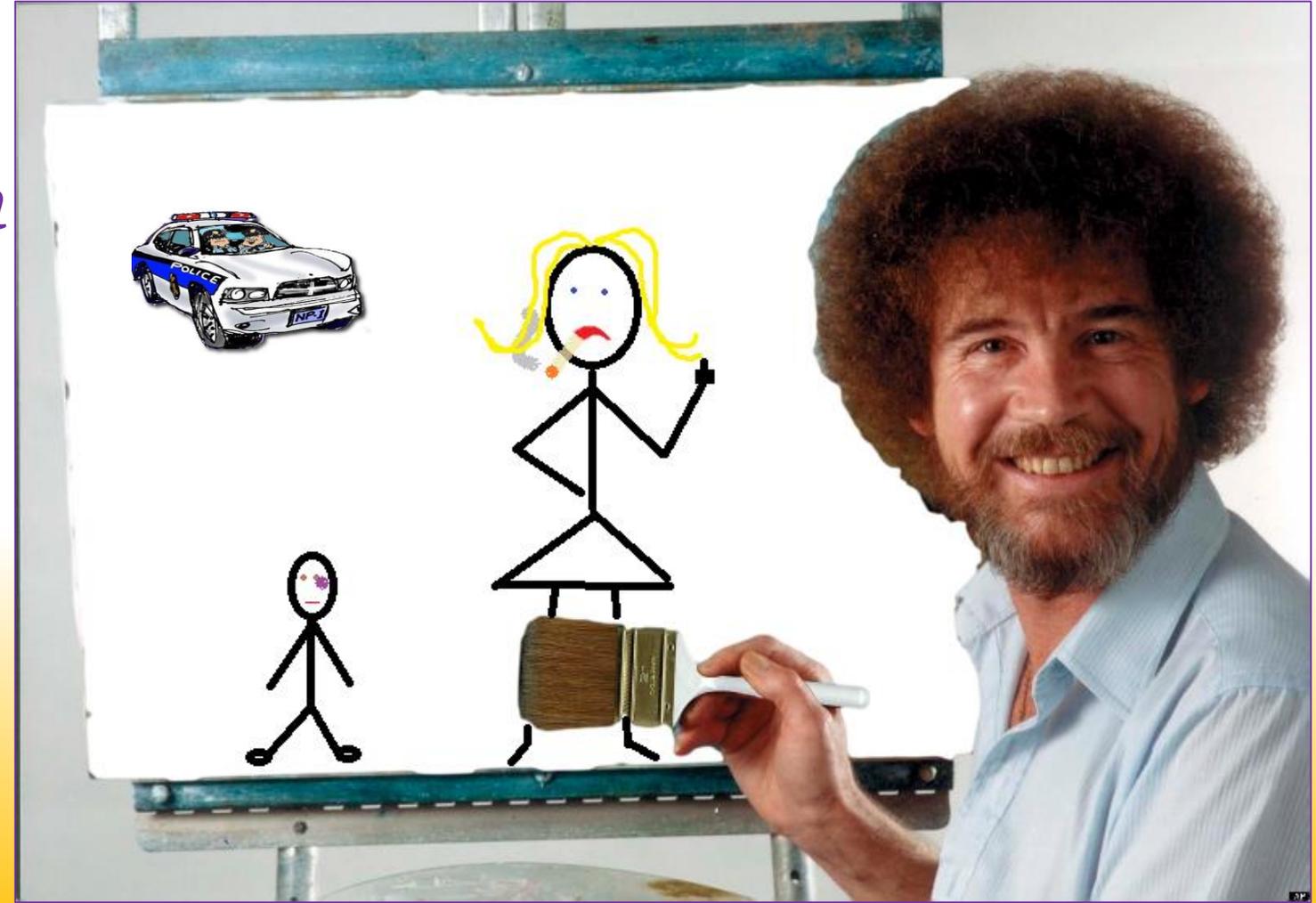
**FOR SHAME!**

Let me paint you a picture.

**LOSER**

welfare queen

drunk



crackhead

**Slut**

LAZY

Deadbeat

No, let's all paint.



# When the agency paints the picture



**DRUGS**



**BAD BOYFRIEND**



**HYPER CHILD**



**PARENT PASSED OUT**



**DIRTY CHILD**



**DIRTY DISHES**



This parent is *already* in recovery.

This mother has  
*already* taken steps  
to keep herself and  
her children safe.



These children are *healthy, active, and they play outside.* (If they were overweight and played video games all day, the agency would complain about that, too.)

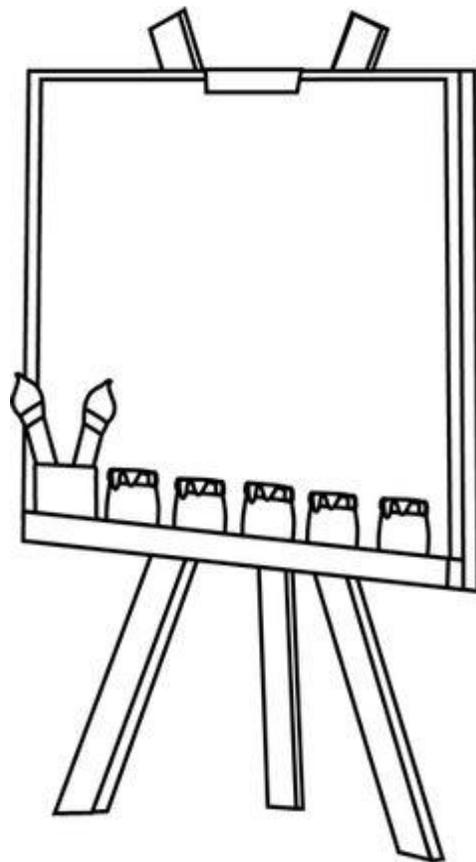


This father *works* 3<sup>rd</sup> shift. Of course he rests during the day!





This mother  
prepares food and  
*feeds her family.*



What about the parts of the picture that the agency *doesn't* paint?

**RED FLAGS** only seem to matter when the agency sees them flying.

**UNRELATED MALE IN HOME**

**CHILD WITH SPECIAL NEEDS**

**CRIMINAL HISTORY**

**SINGLE PARENT**

**PRIOR REMOVALS**

**UNEMPLOYMENT**



**WARNING**

**ANGRY**

**PRIOR TERMINATION**

**CPS HISTORY**

**UNPLANNED PREGNANCY**



Lalalalalalala

**What about the  
good stuff?**



Review your client's case for the absence of red flags and use this information on cross-examination.

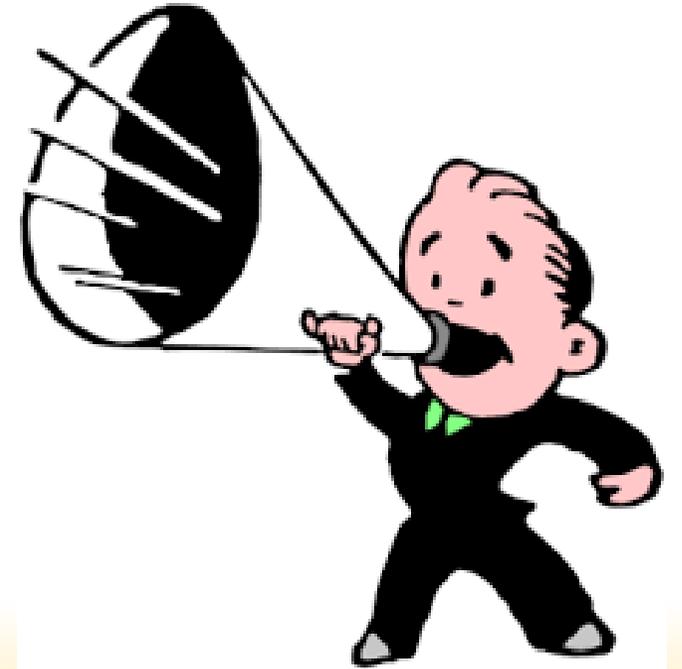
# *Lack* of risk factors in the home/family

- No unrelated males in the home
- Parents married
- Parents are employed
- No special needs or developmental disabilities
- First interaction with agency
- No criminal history
- Not on food stamps



# Attitude of parent

- Cooperative
- Not hostile
- Access to home
- Access to child for interview
- Access to child for physical inspection
- Answered questions
- Provided collateral contacts
- Provided medical information
- Provided child's medications with instructions



# Condition of the child

- Dressed appropriately for the weather
- Clean and well-nourished
- No marks or bruises
- No outcry of abuse
- Spoke freely to you
- Smart, articulate
- Did not express any fear of the home
- Did not express any fear of the parent(s)
- Bonded to parents

# More about the child

- Upset when removed from parent
- Normal height and weight
- Developmentally on-target
- Up-to-date on all vaccinations
- No special medical needs

# LONG GAME

- Preserve your reputation at all cost
- Do NOT sacrifice your long game for your short game
- Be diligent, reliable, trustworthy
- Pick your battles
- When you talk, the judge will listen
- Learn and practice excellent trial skills
- When you negotiate, other attorneys will listen
- Chip away at the reliability of problem witnesses

“The Law is a mighty machine. Woe to the unfortunate man who, wholly or in part innocent, becomes entangled in its mighty wheels, unless his innocence is patent or his rescue planned and executed by **able counsel**. The machine will grind on relentlessly and ruthlessly, and blindfolded justice does not see that the grist is sometimes stained with blood.”

Edward Johnes, “The Pardoning Power From a Philosophical Standpoint” (1893)

Be that able counsel.

Be exceptional counsel.

Be the counsel you would want for yourself.

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